

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CURTIS EVANS

PLAINTIFF

V.

NO. 4:16-CV-84-DMB-DAS

MARSHALL FISHER, et al.

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

On June 10, 2016, following a *Spears* hearing, United States Magistrate Judge David A. Sanders issued a Report and Recommendation recommending that: (1) Evans' claims against Marshall Fisher be dismissed for failure to state a claim upon which relief could be granted and (2) "process issue against the remaining defendants for the claims raised in Evans' complaint." Doc. #13 at 2. The Report and Recommendation warned:

Objections must be in writing and must be filed within fourteen (14) days of this date, and "a party's failure to file written objections to the findings, conclusions, and recommendation in a magistrate judge's report and recommendation within [14] days after being served with a copy shall bar that party, except on grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court" *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc)(citations omitted); *see also United States v. Carrillo-Morales*, 27 F.3d 1054, 1061-62 (5th Cir. 1994), cert. denied, 513 U.S. 1178 (1995).

Id. at 3. Evans received a copy of the Report and Recommendation on June 14, 2016. Doc. #16.

To date, no objections to the Report and Recommendation have been filed. Accordingly, this Court's review of the Report and Recommendation is limited to plain error. *Morales v. Mosley*, No. 3:13-cv-848, 2014 WL 5410326, at *2 (S.D. Miss. Oct. 22, 2014) (citing *Shelby v. City of El Paso*, 577 F. App'x 327, 331 (5th Cir. 2014) ("When there has been no objection to a report and recommendation, review is limited to plain error.")).

The Court has reviewed the Report and Recommendation and found no plain error. It is therefore ORDERED:

1. The Report and Recommendation [13] is **ADOPTED** as the Order of the Court;
2. Evans' claims against Marshall Fisher are **DISMISSED** for failure to state a claim upon which relief could be granted;
3. Evans' claims against Officer Tyler, Lieutenant Chapman, and Robert Pennington may **PROCEED**; and
4. Process issue to Officer Tyler, Lieutenant Chapman, and Robert Pennington.

SO ORDERED, this 27th day of October, 2016.

/s/ Debra M. Brown
UNITED STATES DISTRICT JUDGE